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17 *Attorneys for Plaintiff Computerized Screening, Inc.*

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 COMPUTERIZED SCREENING, INC.,

CASE NO.

21 Plaintiff,

22 **PLAINTIFF COMPUTERIZED
SCREENING, INC.'S COMPLAINT**

23 v.

JURY TRIAL DEMANDED

24 HEALTHSPOT, INC.

25 Defendant.

26 Plaintiff Computerized Screening, Inc. ("CSI") states as follows for its Complaint against
27 Healthspot, Inc. ("Healthspot"):

28 1. This is an action arising under the patent laws of the United States, 35 U.S.C. §§ 1
et seq., for infringement of U.S. Patent No. 6,692,436 (the "'436 Patent"), attached herein as
Exhibit 1.

29 2. This Court has subject matter jurisdiction over this action under 28 U.S.C.
sections 1331 and 1338(a).

THE PARTIES

3. Plaintiff CSI is a Nevada corporation with its principal place of business at 9550
3 Gateway Drive, Reno, Nevada 89521.

4. On information and belief, Defendant Healthspot is a Delaware corporation with
5 its principal place of business at 545 Metro Place South, Dublin, Ohio 43017.

JURISDICTION AND VENUE

5. On information and belief, Healthspot is subject to personal jurisdiction in this
8 district because it has used, offered for sale, and/or sold infringing products in this district, and
9 has contributed to or induced third-parties to infringe in this district.

10. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b), (c) and 1400(b)
11 because a substantial part of the events giving rise to CSI's claims occurred in this district and
12 Healthspot is a corporation subject to personal jurisdiction in this district.

BACKGROUND

14. Charles P. Bluth ("Mr. Bluth"), founder of CSI in 1978, is a co-inventor of the
15 '436 Patent. Mr. Bluth is a serial entrepreneur who has owned and operated twenty-two
16 businesses in Nevada and other states.

17. CSI is an FDA registered Class II medical manufacturer of patient interactive
18 kiosks that integrate non-invasive and invasive preventive health screening technology and
19 telemedicine solutions. CSI's kiosks provide accurate blood pressure and heart rate testing,
20 complete fitness evaluation, drug encyclopedia and compatibility, information on local health
21 care providers from physicians to hospitals to crisis centers, create personal health records and
22 electronic medical records, and can track an individual's health status on a daily, weekly, or
23 monthly basis. The kiosks provide handicap accessible seating and a weight scale integrated into
24 the seat for weight measurement.

25. CSI's kiosks are installed in grocery and drug stores, as well as corporations,
26 emergency rooms, hospitals, clinics, and physician's offices around the United States.

27. / / /

28. / / /

1 10. On February 17, 2004, the United States Patent and Trademark Office
2 (“USPTO”) duly and legally issued the ‘436 Patent to CSI for an invention entitled “Health Care
3 Information System.”

4 11. On December 17, 2009, a request for reexamination was filed in the USPTO.
5 The request was granted, the patent claims reexamined, and on September 20, 2011, the USPTO
6 issued the reexamination certificate.

7 12. Upon reexamination, the patentability of claims 1-3, 6-10, 14, 15, 17, 37-49 and
8 52 was confirmed. Claims 4-5, 11-13, 16, 18, 20-24, 33, 35-36, 50-51, 53, and 55-57 were found
9 patentable as amended. Claims 19, 25-32 and 54, dependent on an amended claim, were found
10 patentable. New claims 58-65 were added.

11 13. CSI is the owner by assignment of the ‘436 Patent.

12 14. The ‘436 Patent is generally directed to health monitoring kiosks that measure
13 blood pressure or weight and transmit the data through a network to store the measurement data
14 in remote data storage.

15 15. Healthspot kiosks employ the inventions claimed in the ‘436 Patent.

16 16. Healthspot has manufactured, used, offered for sale, and/or sold within the United
17 States the Healthspot Station.

18 17. CSI has informed Healthspot of the ‘436 Patent.

19 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,692,436**

20 18. CSI realleges and incorporates by reference Paragraphs 1-17 of this Complaint as
21 if fully set forth herein.

22 19. The ‘436 Patent is valid, enforceable, and unexpired.

23 20. Healthspot has infringed and continues to infringe the ‘436 Patent, literally and
24 under the doctrine of equivalents, by making, having made, using, selling, offering for sale,
25 and/or importing, without authority, products, including but not limited to the Healthspot Station.

26 21. Healthspot has contributed to and/or induced, and continues to contribute to
27 and/or induce, the infringement of the ‘436 Patent by selling, offering to sell, and/or importing
28 into the United States infringing health monitoring kiosks, with the direct infringement being

1 accomplished by end users of at least the Healthspot Stations. Healthspot has encouraged,
2 trained, and instructed customers and end users to operate health monitoring stations to measure
3 blood pressure or weight and transmit the data through a network to store the measurement data
4 in remote data storage. *See* Patient Brochure, attached herein as Exhibit 2; Physician Brochure,
5 attached herein as Exhibit 3; Pharmacy Brochure, attached herein as Exhibit 4. Healthspot knew
6 that these acts constitute infringement of the '436 Patent. Further, the Healthspot kiosks have no
7 substantial non-infringing purpose.

8 22. Healthspot's conduct has damaged and will continue to damage CSI.

9 23. Healthspot's infringement has been in willful disregard of CSI's patent rights,
10 making this case exceptional under 35 U.S.C. § 285.

11 24. CSI will suffer further damages and irreparable injury unless and until Healthspot
12 is enjoined by this Court from continuing such infringement.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, CSI respectfully requests that this Court enter judgment in its favor and
15 against Healthspot and enter an Order granting the following relief:

16 1. Declare that the Healthspot has infringed, contributed to the infringement of,
17 and/or induced the infringement of the '436 Patent;

18 2. Permanently enjoin and restrain Healthspot and all others with actual notice of the
19 order from further acts infringing the '436 Patent, including making, importing, using, selling,
20 offering for sale, contributing to the infringement of, and/or inducing the use of all products
21 and/or systems found to infringe the '436 Patent;

22 3. Require Healthspot to send a copy of any judgment or injunction in this case in
23 favor of CSI to each licensee, sublicensee, distributor, person, or entity to whom Healthspot
24 sells, has sold, or has otherwise distributed products and/or systems found to infringe the '436
25 Patent;

26 4. Order the impounding and destruction of all of Healthspot products and/or
27 systems that infringe the '436 Patent;

28 // /

5. Award CSI patent infringement damages and pre-judgment interest pursuant to 35 U.S.C. § 284;

6. Order an accounting of Healthspot's profits resulting from sales of its products and/or systems that infringe the '436 Patent;

7. An Order trebling damages for willful patent infringement pursuant to 35 U.S.C. § 284;

8. A finding that this case is exceptional pursuant to 35 U.S.C. § 285 and an Order granting reasonable costs and attorneys' fees; and

9. Award such other relief as the Court may deem appropriate and just under the circumstances.

JURY DEMAND

Plaintiff demands a trial by jury of all claims and all issues triable as of right by jury in this action.

DATED this 15th day of April, 2014.

ARMSTRONG TEASDALE LLP

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